

CITY OF SALINA, KANSAS
REGULAR MEETING OF THE BOARD OF COMMISSIONERS
February 12, 2007
4:00 p.m.

The City Commission convened at 2:30 p.m. in a Study Session on the North Ohio Overpass Ponds. The Regular Meeting of the Board of Commissioners was called to order at 4:00 p.m. in Room 107, City-County Building. A roll call was taken followed by the Pledge of Allegiance and a moment of silence.

There were present:

Mayor Donnie D. Marrs, Chairman presiding
Commissioner Deborah P. Divine
Commissioner Alan E. Jilka
Commissioner R. Abner Perney
Commissioner John K. Vanier II

comprising a quorum of the Board, also present:

Jason A. Gage, City Manager
Greg Bengtson, City Attorney
Lieu Ann Elsey, City Clerk

Absent: None

07-7452 Moved by Commissioner Divine, seconded by Commissioner Jilka, to add Items 8.9 and 8.10 to the agenda. Aye: (5). Nay: (0). Motion carried.

CITIZEN FORUM

None.

AWARDS - PROCLAMATIONS

(4.1) The week of February 18-24, 2007 as "National Engineers' Week" in the city of Salina. Matt Bryant, PE, President of Smoky Valley Chapter Kansas Society of Professional Engineers, read the proclamation and announced upcoming events.

(4.2) Presentation of plaques to outgoing Employee Council members.

Mayor Marrs presented plaques to Jeff Jackson, Dan Sauber, Jennifer Rein, and Brent Rupert. Members that were absent included Metzie McIntoch, Brian Darnell, and Jennifer Wyatt.

PUBLIC HEARINGS AND ITEMS SCHEDULED FOR A CERTAIN TIME

None.

CONSENT AGENDA

- (6.1) Approve the minutes of February 5, 2007.
- (6.2) Approval of an amended agreement with Kent Williams Environmental Design regarding the Water Plant Public Art to increase the authorized amount to \$127,268.
- (6.3) Award bid for the Storage Area Network to Eagle Software in the amount of \$43,000.
- (6.4) Award contract for the 2007 Subdivision Improvements Golden Eagle Estates Addition No. 4, Phase III, Project No. 06-1612 to APAC-Kansas, Inc. in the amount of \$352,934.30.
- (6.5) Authorize submittal of application on for the 2007 Kansas Emergency Shelter Grant Program.
- (6.6) Resolution No. 07-6358 authorizing a renewal agreement with the State Historic Preservation Officer allowing the Salina Heritage Commission to assume responsibility for performing national/state register project review.

Commissioner Jilka requested Item 6.2 be pulled from the consent agenda.

07-7453 Moved by Commissioner Divine, seconded by Commissioner Perney, to approve all Items except Item 6.2 on the consent agenda as presented. Aye: (5). Nay: (0). Motion carried.

Martha Tasker responded to Commissioner Jilka's question regarding the scope of work included in the agreement. Additional discussions followed between Commissioner Jilka and Ms. Tasker regarding the lead expansion anchors.

07-7454 Moved by Commissioner Vanier, seconded by Commissioner Divine, to approve Item 6.2. Aye: (5). Nay: (0). Motion carried.

DEVELOPMENT BUSINESS

None.

ADMINISTRATION

- (8.1) Second reading Ordinance No. 07-10370 amending the Central Mall PDD and changing the zoning district classification from PDD (R-2.5) (Multi-Family Residential) to PDD (C-3) (Shopping Center) on a portion of Lot 1, Block 9 in the Central Mall Subdivision.

Mayor Marrs noted that Ordinance No. 07-10370 was passed on first reading on February 5, 2007 and since that time no comments have been received.

07-7455 Moved by Commissioner Vanier, seconded by Commissioner Divine, to adopt Ordinance No. 07-10370 on second reading. A roll call vote was taken. Aye: (5) Divine, Jilka, Perney, Vanier, Marrs. Nay: (0). Motion carried.

(8.2) Second reading Ordinance No. 07-10371 exempting certain property owned by Salina Vortex Corporation from ad valorem taxation and providing for payments in lieu of taxes.

Mayor Marrs noted that Ordinance No. 07-10371 was passed on first reading on February 5, 2007 and since that time no comments have been received.

07-7456 Moved by Commissioner Vanier, seconded by Commissioner Jilka, to adopt Ordinance No. 07-10371 on second reading. A roll call vote was taken. Aye: (5) Divine, Jilka, Perney, Vanier, Marrs. Nay: (0). Motion carried.

(8.3) Second reading Ordinance No. 07-10372 amending the Salina Code by providing local amendments to the International Building Code.

Mayor Marrs noted that Ordinance No. 07-10372 was passed on first reading on February 5, 2007 and since that time no comments have been received.

07-7457 Moved by Commissioner Jilka, seconded by Commissioner Perney, to adopt Ordinance No. 07-10372 on second reading. A roll call vote was taken. Aye: (5) Divine, Jilka, Perney, Vanier, Marrs. Nay: (0). Motion carried.

(8.4) Second reading Ordinance No. 07-10373 amending the Salina Code by providing local amendments to the International Residential Code.

Mayor Marrs noted that Ordinance No. 07-10373 was passed on first reading on February 5, 2007 and since that time no comments have been received.

07-7458 Moved by Commissioner Perney, seconded by Commissioner Jilka, to adopt Ordinance No. 07-10373 on second reading. A roll call vote was taken. Aye: (5) Divine, Jilka, Perney, Vanier, Marrs. Nay: (0). Motion carried.

(8.5) Consideration of requests for Section 888 (Special Alcohol) program funding for the 2007-2008 funding period.

Commissioner Jilka recused himself due to a conflict of interest.

Rodney Franz, Director of Finance and Administration, explained the requests.

Mr. Franz responded to Mayor Marrs' question regarding the disbursement of funds.

Les Sperling, Central Kansas Foundation, thanked the city for their support of the years, cost on substance abuse. Mr. Sperling continued to comment on the importance of funding especially since federal funds are becoming more constrictive.

Commissioner Divine thanked Central Kansas Foundation for what they do for the community.

07-7459 Moved by Commissioner Divine, seconded by Commissioner Perney, to fund the agency requests, but reduce proportionately to match the funds available. Aye: (3). Nay: (1) Vanier. Abstained: (1) Jilka. Motion carried.

Commissioner Jilka returned.

(8.6) Approve Kansas Department of Transportation Agreement No. 227-06 for the South Ohio Corridor Improvements (KDOT Project No. 85 U-2005-01, City Project No. 03-1402).

Karlton Place, City Engineer, explained the project, project funding, and the agreement.

A discussion followed between Commissioner Perney and Mr. Place regarding the total project cost.

07-7460 Moved by Commissioner Divine, seconded by Commissioner Vanier, to approve Kansas Department of Transportation Agreement No. 227-06 for the South Ohio Corridor Improvements (KDOT Project No. 85 U-2005-01, City Project No. 03-1402). Aye: (5). Nay: (0). Motion carried.

(8.7) Approve Supplemental Agreement No. 3 for the addition of a hike/bike trail to the South Ohio Street Improvements, Project No. 03-1402.

Karlton Place, City Engineer, explained the project, project funding, and the agreement. Mr. Place then responded to Commissioner Vanier's question regarding the location of the trail.

07-7461 Moved by Commissioner Vanier, seconded by Commissioner Divine, to approve Supplemental Agreement No. 3 for the addition of a hike/bike trail to the South Ohio Street Improvements, Project No. 03-1402 with Wilson and Company in the amount of \$15,998. Aye: (5). Nay: (0). Motion carried.

(8.8) Resolution No. 07-6355 formally adopting the *City of Salina Community Art & Design Policy*.

John Highkin, Arts and Humanities Director, explained the modifications.

A discussion followed between Commissioner Jilka and Mr. Highkin regarding the advisory committee membership. Commissioner Jilka felt that there should be one member of the Arts and Humanities Commission and three at-large members, instead of three Arts and Humanities Commissioners and one member at-large.

Mr. Highkin then responded to Mayor Marrs' question regarding Section 9(D)(1). Mayor Marrs felt that the sentence should read "Representative should be persons with", instead of "Representative must be persons with".

A discussion followed between Mr. Highkin and Commissioner Vanier regarding art professionals.

Shawn Crawford, 714 Highland, commended the Commissioners for this process and was glad the Commission had chosen to go through the process. Mr. Crawford thanked Mr. Highkin for

his work and expressed his gratitude for having a public arts program.

07-7462 Moved by Commissioner Divine, seconded by Commissioner Perney, to adopt Resolution No. 07-6355.

Commissioner Jilka asked Commissioner Divine to amend her motion to include this proposed membership change of one Art and Humanities Commissioner and three members at-large.

Commissioner Divine did not want to amend her motion.

Commissioner Perney felt that the Arts and Humanities Commissioners were already selected at-large by the City Commission. Commissioner Divine agreed with Commissioner Perney.

07-7463 Moved by Commissioner Jilka, seconded by Mayor Marrs, to amend the membership of the committee to one Arts and Humanities Commissioner three members at-large.

Commissioner Perney restated his view that the Arts and Humanities Commissioner were already appointed at-large.

Commissioner Jilka felt differently because the Arts and Humanities Commission had sent letters in the past asking the Mayor to appoint certain individuals.

Commissioner Divine disagreed with Commissioner Jilka stating that there were other boards that send letters with a recommendation.

Mayor Marrs called the question on the motion regarding the amendment to the membership of the committee. Aye: (2) Jilka, Marrs. Nay: (3) Divine, Perney, Vanier. Motion failed

Commissioner Jilka asked if Commissioner Divine's original motion included the revision requested by Mayor Marrs to change Section 9(D)(1) to read "Representative should be person with".

Commissioner Divine noted that it would include the revision. Commissioner Perney agreed.

Mayor Marrs called the question. Aye: (5). Nay: (0). Motion carried

(8.9) Resolution No. 07-6359 authorizing the City Manager to sign a vacation petition initiating the vacation of North Third Street (between Iron Avenue and the Smoky Hill River).

Dean Andrew, Director of Planning and Community Development, explained the request and the vacation process.

Mr. Andrew responded to Mayor Marrs' questions regarding utilities located in the right-of-way, petition process, and street access.

07-7464 Moved by Commissioner Divine, seconded by Commissioner Vanier, to adopt Resolution No. 07-6359. Aye: (5). Nay: (0). Motion carried.

(8.10) Resolution No. 07-6360 authorizing a license agreement with St. John's Lutheran Church to allow construction of a canopy structure in an alleyway.

Dean Andrew, Director of Planning and Community Development, explained the request and the agreement. Mr. Andrew then responded to Commissioner Perney's question regarding the traffic direction of the alley.

A discussion followed between Mr. Andrew, Michael Fraser, Director of General Services, and the City Commission regarding alley width and front footage.

Additional discussions followed between Commissioner Perney and Mr. Andrew regarding parking.

Jeff Gilliam, Architect, commented on the parking.

07-7465 Moved by Commissioner Perney, seconded by Commissioner Vanier, to adopt Resolution No. 07-6360. Aye: (5). Nay: (0). Motion carried.

OTHER BUSINESS

None.

ADJOURNMENT

07-7466 Moved by Commissioner Vanier, seconded by Commissioner Divine, that the Regular Meeting of the Board of Commissioners be adjourned. Aye: (5). Nay: (0). Motion carried. The meeting adjourned at 5:06 p.m.

Donnie D. Marrs, Mayor

[SEAL]
ATTEST:

Lieu Ann Elsey, CMC, City Clerk